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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,712

03/10/2005

Emiel Van Ham

VAN HARN

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07/03/2006

HENRY M FEIEREISEN, LLC

350 FIFTH AVENUE

SUITE 4714

NEW YORK, NY 10118

EXAMINER

BARAN, MARY C

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,712

Applicant(s)

VAN HARN, EMIEL

Examiner

Mary Kate B. Baran

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,10 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,10 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10 March 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

- (a) On page 1 line 28, "spear" should be – spare –.
- (b) On page 3 line 3, "plan thas" should be – plant has –.
- (c) On page 3 line 5, "an" should be – a –.
- (d) On page 4 line 4, "Advantageously" should be – Advantageously, –.
- (e) On page 5 line 1, "as significance" should be – as a significance –.
- (f) On page 5 line 3, "as correlation" should be – as a correlation –.

This list is not intended to be exhaustive, and merely states some examples of errors found in the specification. Appropriate correction is required.

2. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

3. Claims 1, 2, 3, 5, 6, 9, 10 and 14-19 are objected to because of the following informalities:

- (a) Claim 1 page 2 line 3, "for" should be – to –.
- (b) Claim 1 page 2 line 7, "as first" should be – as a first –.

(c) Claim 1 page 2 line 9, "as equation-parameter" should be – as an equation-parameter –.

(d) Claim 1 page 2 line 12, "as new" should be – as a new –.

(e) Claim 1 page 2 lines 14-15, "as equation-parameter" should be – as an equation-parameter –.

(f) Claim 1 page 2 line 21, "in parameter-database" should be – in a parameter-database –.

(g) Claim 1 page 3 line 4, please delete "either".

(h) Claim 1 page 3 line 8, "as new" should be – as a new –.

(i) Claim 2 page 3 lines 3 and 4, "relevant for" should be – relevant to –.

(j) Claim 2 page 3 line 7, "variables factors" should be – variables, the factors –.

(k) Claim 3 page 4 lines 2 and 3, "and/or" should be – or –.

(l) Claim 5 page 4 line 9, "as further" should be – as a further –.

(m) Claim 5 page 4 lines 9-10, "as equation-parameters" should be – as an equation-parameter –.

This list is not intended to be exhaustive, and merely states some examples of errors found in the claims. Appropriate correction is required.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-7, 9, 10 and 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation, "repeating the steps until for none of the influencing-parameters that are not equation-parameters the significance is higher than a predetermined value while at the same time the correlation is lower than a predetermined value." However, it is not clear from the claim which "influence-parameters" are used for the first significance and correlation (see claim 1 page 3 lines 2-4) determination and how that differs from the subsequent significance (see claim 1 page 3 lines 4-5) and correlation (see claim 1 page 3 lines 5-6) determination recited.

Claim 3 recites the limitation, "the data is taken from a control system." However, it is not clear from the claimed limitation if this "data" is referring to the collecting data, the equation-parameters, the influencing-parameters, or other data stored in the database.

Claim 5 recites the limitation, "generating a current equation based on all influencing-parameters and as a further influencing-parameter a determined start-value as an equation parameter by means of multiple regression analysis based on the values of the value-database." However, it is not clear from the claimed language if the

multiple regression analysis is used to generate a current equation, or if it is used to determine a start-value.

Claim 5 further recites the limitation, “selecting as a new unnecessary influencing-parameter an equation-parameter with a lowest significance and a highest correlation that is according to a parameter-database not an unnecessary influencing-parameter.” However, it is not clear from the claimed language how the influencing-parameter can be both unnecessary and not unnecessary simultaneously, or if this limitation is simply referring to two different influencing-parameters.

Claim 6 recites the limitation, “repeating the steps until for none of the influencing-parameters that are not equation-parameters the significance is higher than a predetermined value while at the same time the correlation is lower than a predetermined value.” However, it is not clear from the claim which “influence-parameters” are used for the first significance and correlation (see claim 6 page 6 line 29 – page 7 line 1) determination and how that differs from the subsequent significance (see claim 6 page 7 lines 1-2) and correlation (see claim 6 page 7 lines 2-3) determination recited.

Claim 6 further recites the limitation, “data collected for variables relevant to the life and the according life.” However, it is not clear from the claim language what “according life” is or what it is referring to.

Claim 9 recites the limitation, “repeating the steps until for none of the influencing-parameters that are not equation-parameters the significance is higher than a predetermined value while at the same time the correlation is lower than a

predetermined value.” However, it is not clear from the claim which “influence-parameters” are used for the first significance and correlation (see claim 9 page 8 lines 26-28) determination and how that differs from the subsequent significance (see claim 9 page 8 lines 28-29) and correlation (see claim 9 page 8 lines 29-30) determination recited.

Claim 14 recites the limitation, “data collected for variables relevant to the life and the according life.” However, it is not clear from the claim language what “according life” is or what it is referring to.

Claim 16 recites the limitation, “generating a current equation based on all influencing-parameters and as a further influencing-parameter a determined start-vale as an equation parameter by means of multiple regression analysis based on the vales of the value-database.” However, it is not clear from the claimed language if the multiple regression analysis is used to generate a current equation, or if it is used to determine a start-value.

Claim 16 further recites the limitation, “selecting as a new unnecessary influencing-parameter an equation-parameter with a lowest significance and a highest correlation that is according to a parameter-database not an unnecessary influencing-parameter.” However, it is not clear from the claimed language how the influencing-parameter can be both unnecessary and not unnecessary simultaneously, or if this limitation is simply referring to two different influencing-parameters.

Claim 18 recites the limitation, “generating a current equation based on all influencing-parameters and as a further influencing-parameter a determined start-vale

as an equation parameter by means of multiple regression analysis based on the values of the value-database.” However, it is not clear from the claimed language if the multiple regression analysis is used to generate a current equation, or if it is used to determine a start-value.

Claim 18 further recites the limitation, “selecting as a new unnecessary influencing-parameter an equation-parameter with a lowest significance and a highest correlation that is according to a parameter-database not an unnecessary influencing-parameter.” However, it is not clear from the claimed language how the influencing-parameter can be both unnecessary and not unnecessary simultaneously, or if this limitation is simply referring to two different influencing-parameters.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 5-7, 9, 10 and 14-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A process is statutory if it requires physical acts to be performed outside the computer independent of and *following* the steps to be performed by a programmed computer, where those acts involve the manipulation of tangible physical objects and result in the object having a different physical attribute or structure (see MPEP 2106). A claim is limited to a practical application when the method, as claimed, produces a *concrete, tangible and useful result*; i.e., the method recites a step or act of producing

something that is *concrete, tangible and useful*. Referring to the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" in determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the *final result* achieved by the claimed invention is "useful, tangible and concrete."

The claimed methods perform processes for using a formula to model a system. Data is calculated, selected and used to generate an equation, but neither this equation nor a generated model is subsequently output or used in any manner. No information is presented to a user nor does a physical transformation occur outside the computer as a result. The claims do not produce a concrete, tangible and useful result, and therefore the subject matter claimed is considered non-statutory.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Pena-Nieves et al. teach a network based method and system for analyzing and displaying reliability data.

(b) Hashemian teaches an integrated system for verifying the performance and health of instruments and processes.

(c) Mabuchi et al. teach a maintenance/inspection support apparatus and entry/exit management apparatus.

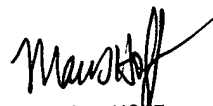
(d) Quist et al. teach a distributed diagnostic system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B. Baran whose telephone number is (571) 272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

24 June 2006


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800